

ships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.

(Added Pub. L. 106-444, §2(a), Nov. 6, 2000, 114 Stat. 1929.)

#### PRIOR PROVISIONS

A prior section 2910, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, provided for final authority of Administrator in records practices, prior to repeal by Pub. L. 94-575, §2(a)(4), Oct. 21, 1976, 90 Stat. 2726.

### CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

Sec.

- 3101. Records management by agency heads; general duties.
- 3102. Establishment of program of management.
- 3103. Transfer of records to records centers.
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- 3105. Safeguards.
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- 3107. Authority of Comptroller General.

#### AMENDMENTS

1976—Pub. L. 94-575, §3(b), Oct. 21, 1976, 90 Stat. 2727, substituted “Transfer of records to records centers” for “Storage, processing, and servicing of records” in item 3103.

#### § 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(a) (June 30, 1949, ch. 288, title V, §506(a), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### § 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101-2117, 2501-2507, 2901-2909, and 3101-3107, of this title and the regulations issued under them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, §3(a)(1), (2), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 98-497, title I, §107(b)(19), Oct. 19, 1984, 98 Stat. 2290.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(b) (June 30, 1949, ch. 288, title V, §506(b), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

1984—Pars. (2), (3). Pub. L. 98-497 inserted “and the Archivist” after “Administrator of General Services” in par. (2), and substituted “sections 2101-2117” for “sections 2101-2113” and struck out “2701,” before “2901” in par. (3).

1976—Pub. L. 94-575, §3(a)(1), (2), substituted in par. (1) “the creation and over the maintenance” for “the creation, maintenance,” and in par. (3) reference to sections “2901-2909” for “2901, 2903-2909” of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

#### § 3103. Transfer of records to records centers

When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.

(Added Pub. L. 94-575, §3(a)(3), Oct. 21, 1976, 90 Stat. 2726; amended Pub. L. 98-497, title I, §107(b)(20), Oct. 19, 1984, 98 Stat. 2290.)

#### PRIOR PROVISIONS

A prior section 3103, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298, contained provisions similar to those comprising this section, prior to repeal by Pub. L. 94-575, §3(a)(3).

#### AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator” wherever appearing.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

#### § 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, §107(b)(21), Oct. 19, 1984, 98 Stat. 2290.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(d) (June 30, 1949, ch. 288, title V, §506(d), as added Sept. 5, 1950, ch. 849,

§6(d), 64 Stat. 583, and amended Feb. 5, 1964, Pub. L. 88-265, 78 Stat. 8).

#### AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator” wherever appearing.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

### § 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

- (1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and
- (2) the penalties provided by law for the unlawful removal or destruction of records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, §107(b)(22), Oct. 19, 1984, 98 Stat. 2290.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(e) (June 30, 1949, ch. 288, title V, §506(e), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services”.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

### § 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, §107(b)(21), title II, §203(b), Oct. 19, 1984, 98 Stat. 2290, 2294.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(f) (June 30, 1949, ch. 288, title V, §506(f), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

1984—Pub. L. 98-497, §107(b)(21), substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator”.

Pub. L. 98-497, §203(b), inserted at end “In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.”

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

### § 3107. Authority of Comptroller General

Chapters 21, 25, 27,<sup>1</sup> 29, and 31 of this title do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the Government Accountability Office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, §3(a)(4), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(g) (June 30, 1949, ch. 288, title V, §506(g), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### REFERENCES IN TEXT

Chapter 27 of this title, referred to in text, was repealed by Pub. L. 95-378, §2(a), Sept. 22, 1978, 92 Stat. 723.

#### AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1976—Pub. L. 94-575 substituted “Chapters 21, 25, 27, 29, and 31 of this title” for “Sections 2101-2113, 2501-2507, 2701, 2901, 2904-2910, and 3101-3107, of this title”.

## CHAPTER 33—DISPOSAL OF RECORDS

Sec.	
3301.	Definition of records.
3302.	Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction.
3303.	Lists and schedules of records to be submitted to Archivist by head of each Government agency. <sup>1</sup>
3303a.	Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.
[3304 to 3307.]	Repealed.]
3308.	Disposal of similar records where prior disposal was authorized.
3309.	Preservation of claims of Government until settled in Government Accountability Office; disposal authorized upon written approval of Comptroller General.
3310.	Disposal of records constituting menace to health, life, or property.
3311.	Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.

<sup>1</sup> See References in Text note below.

<sup>1</sup> Does not conform to section catchline.